

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 32534 of 2015 (N)

PETITIONER(S):

1. **SMT.LEELA GEORGE,W/O. LATE K.GEORGE,
AGED 66 YEARS, RESIDING AT NJERALAKKAT HOUSE,
THENMALI LANE, KANIYANKUNNU, POST UC COLLEGE,
ALUVA, ERNAKULAM DISTRICT, PIN-683 102.**
2. **SRI. MARTIN V.G.,
S/O. SMT.LEELA GEORGE AND LATE K.GEORGE,
AGED 41 YEARS, RESIDING AT NJERALAKKAT HOUSE,
THENMALI LANE, KANIYANKUNNU, POST UC COLLEGE,
ALUVA, ERNAKULAM DISTRICT-683 102.**

**BY ADVS.SRI.K.P.RAMACHANDRAN
SRI.B.BALA PRASANNAN**

RESPONDENT(S):

1. **STATE OF KERALA,
REPRESENTED BY SECRETARY (HOME),
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.**
2. **SUB INSPECTOR OF POLICE (SRI. GOPAKUMAR),
KALAMASSERY POLICE STATION,
CHANGANPUZHA POST OFFICE, NATIONAL HIGHWAY,
KALAMASSERY, ERNAKULAM-682 033.**
3. **SUB INSPECTOR OF POLICE (SMT.LAILAKUMARI),
VANITHA (WOMEN) POLICE STATION AND WOMEN CELL,
NORTH POLICE STATION COMPOUND,
KACHERIPADY JUNCTION, KACHERIPADY,
ERNAKULAM, PIN-682 011.**
4. **SRI.RAJAN, MANAGING DIRECTOR-FASHION PAINTS,
S/O. THOZHUTHUMPARAMBIL JOSEPH, AGED ABOUT 56 YEARS,
PERMANENT RESIDENT OF THOZHUTHUM PARAMBIL,
IRINJALAKKUDA DESOM, IRINJALAKKUDA VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT, PIN-680 121.**

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5. SRI.RAJU, FASHION PAINTS,
NEAR EDAPPALLY POST OFFICE,
EDAPPALLY POST, ERNAKULAM-682 024.
6. CITY POLICE COMMISSIONER ERNAKULAM,
CITY POLICE COMMISSIONERS' OFFICE,
KSHB REVENUE TOWER, PARK AVENUE ROAD,
BOAT JETTY POST, ERNAKULAM-682 011.

R1 TO R3 & R6 BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE PHOTOSTAT COPY OF THE MEDICAL CERTIFICATE DTD.21.10.2015, ISSUED BY DR.P.M.SALIM, CONSULTANT PHYSICIAN, MAJ HOSPITAL, EDAPPALLY, CERTIFYING THAT THE 1ST PETITIONER IS UNDER TREATMENT FROM 1.4.2012 FOR HYPERTENSION AND DIABETIC WITH COPY OF THE MEDICAL BILL DTD.21.10.2015 SHOWING THE MEDICINES PURCHASED.**
- P2 : TRUE PHOTOSTAT COPY OF THE MEDICAL CERTIFICATE DTD.24.6.1999, ISSUED BY PANEL OF DOCTORS (CONSISTING 5 MEMBERS) CERTIFYING THAT THE 2ND PETITIONER IS A DISABLED PERSON WITH 40% PERMANENT PARTIAL DISABILITY.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 32534 of 2015

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Dated this, the 3rd day of November, 2015

J U D G M E N T

Shaffique, J.

Petitioners have approached this Court alleging harassment by the police. It is stated that the 2nd petitioner was working with the 4th respondent and that when amounts were demanded, his services were terminated. The 2nd petitioner intends to take up the matter before the Labour Court. In the meantime, petitioners are unnecessarily being summoned to the Vanitha Police Station and asked to wait for several hours. This, according to the petitioners, amounts to harassment. Hence, this writ petition is filed.

2. Learned Government Pleader on instructions would submit that there is some financial transaction between the 2nd petitioner and the 4th respondent. On the basis of a complaint given by the 5th respondent in the Vanitha Police Station, petitioners were summoned, but they did not appear. The

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allegation was that the 5th respondent was beaten up and petitioners were summoned only for the purpose of enquiring into the complaint. If there is no cognizable offence, there is no reason for the petitioners to worry and police will close the complaint.

Having regard to the aforesaid factual situation, we do not think that summoning of the petitioners for enquiry into the complaint amounts to harassment by the police. Accordingly, we close this writ petition.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

3/11/2015

//True Copy//

PS to Judge